



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,266	01/17/2002	Ernst Heinz	VOS-29	1286

1473 7590 11/22/2005

FISH & NEAVE IP GROUP  
ROPES & GRAY LLP  
1251 AVENUE OF THE AMERICAS FL C3  
NEW YORK, NY 10020-1105

EXAMINER
----------

HELMER, GEORGIA L

ART UNIT	PAPER NUMBER
----------	--------------

1638

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Continuation of <sup>7</sup> NOTE: All the references cited by Applicant in the AF support the Examiner's position that the use of *Agrobacterium tumefaciens* transformation of flax hypocotyls were both required for high efficiency transformaiton and normal morphology. Bombardment is not taught in the instant specification, which must be enabling (prior art is not enabling) .

DAVID T. FOX  
PRIMARY EXAMINER  
GROUP 180 163A

